

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL EDWARD CALLAHAN,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:20-cv-1170

KAREN MIEDEMA, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff initiated this action against the Honorable Karen Miedema, the Honorable Jon Van Allsburg, and “unnamed contributing judges” of the Ottawa County Circuit Court. Plaintiff seeks to have Defendants “reimburse [him] for legal expenses incurred” in an ongoing state court action. (ECF No. 1). Because Plaintiff has been permitted to proceed as a pauper (ECF No. 4), the Court has reviewed Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Plaintiff’s complaint be dismissed.

ANALYSIS

Plaintiff is presently challenging in state court the continuation of a Personal Protection Order (PPO) entered against him at the request of a former romantic partner. As part of these proceedings, Plaintiff moved in the Michigan Court of Appeals for an Order of Superintending Control directing the appropriate judge of the Ottawa County Circuit Court to timely rule on Plaintiff's motion to disqualify a particular judge. The Michigan Court of Appeals granted Plaintiff's request. Plaintiff has now initiated the present action seeking a judgment directing Defendants to reimburse him for the "legal expenses" he incurred in moving for an Order of Superintending Control.

Judicial officers enjoy immunity from civil suits seeking money damages. *See, e.g., Dixon v. Clem*, 492 F.3d 665, 674 (6th Cir. 2007). This immunity likewise extends to claims asserted under 42 U.S.C. § 1983 seeking injunctive relief. *See, e.g., Johnson v. Edgar*, 2015 WL 869320 at *3 (W.D. Mich., Feb. 27, 2015); *Lawrence v. Pelton*, 413 F.Supp.3d 701, 711 (W.D. Mich. 2019). Accordingly, the undersigned recommends that, because Defendants are entitled to immunity, Plaintiff's claims be dismissed.

CONCLUSION

For the reasons discussed herein, the undersigned recommends that Plaintiff's complaint be dismissed be dismissed.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: December 9, 2020

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge